

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NORTH DAKOTA

In Re:)	
)	
Drain Services, Inc.)	
)	Case No. 23-30352
)	
)	Chapter 11
)	Subchapter V
Debtor)	

**SUBCHAPTER V TRUSTEE OBJECTION TO
DRAIN SERVICES, INC. SUBCHAPTER V PLAN**

The Subchapter V Trustee ("Trustee") objects to Drain Services, Inc.'s Subchapter V Plan of Reorganization (Plan") (Doc. No. 108). In support of his objections, he states the following:

1. The Court approved the Trustee's fee application on December 11, 2023 for a total of \$4,730.00 in fees and \$375.58 expenses and taxes.
2. Since that time, Debtor has only paid \$1276.40 of the total owed.
3. Debtor stated that it is not obligated to pay the remainder of the Court approved fee application until 15 days post plan confirmation (see Debtor's letter attached).
4. The Court did not place such a stipulation on fee payment.
5. The Debtor's inability to pay timely the Court approved Trustee fee application calls into question Debtor's financial ability to make payments as required under the bankruptcy filing and is contrary to confirmation requirements. (ref. 11 U.S.C. § 1129(a)(9)(A) and 11 U.S.C. § 1191(a))

Therefore, the Trustee objects to confirmation of the amended plan submitted and requests the Court to grant relief as appropriate to ensure the Court ordered fees are timely paid.

Dated: January 16, 2024

Signed: _____



Thomas J. Kapusta, Sub Chapter V Trustee
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
Email: tkapusta@aol.com



drainservices
INCORPORATED

fargomoorhead sewer authority

residential | commercial | industrial

1-1-24

MR. KARUSTA,

PLEASE APPLY THIS PAYMENT TO THE
REQUEST YOU SUBMITTED.

I AM AWARE THAT THIS PAYMENT IS
NOT DUE UNTIL 15 DAYS AFTER OUR
CH. 11 PLAN IS CONFIRMED, HOWEVER, I WOULD
LIKE TO STIPLE YOUR UNPROFESSIONAL REQUESTS
AND REMARKS BEING MADE TO OUR COUNSEL.

YOU OUGHT TO BE MORE GRATEFUL AND EMPATHETIC
TOWARDS OUR CASE AS YOUR TOP-LINE
REVENUE IS INCREASING BECAUSE OF IT.

CHEERS

- KYLE CAMERON
VP

DRAIN SERVICES INC

UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

Thomas Kapusta, Subchapter V Trustee, hereby certifies the filing of this document caused service via CM/ECF upon all CM/ECF recipients.

Dated: January 16, 2024

/s/ Thomas Kapusta
Thomas Kapusta